

Notice of Allowability

Application No.

10/730,702

Examiner

Bobbak Safaipoor

Applicant(s)

WILBORN ET AL.

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment After Final filed 9/5/07.
2. ☒ The allowed claim(s) is/are 12-20, 27-28, 33-44.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric Ho on September 14, 2007.

The application has been amended as follows:

In claim 41, on line 2, after "medium", add "storing a computer program" to read "a computer-readable medium storing a computer program, comprising:"

Reasons for Allowance

Claims 12-20, 27-28, 33-36, and 37-44 are allowed.

Claims 1-11, 21-26, and 29-32 have been cancelled.

New claims 37-44 have been added.

Consider **claim 12**, the best prior art of record found during the examination of the present application, **Schwarz et al (United States Patent Application Publication #2006/0111110 A1)**, fail to specifically disclose, teach, or suggest wherein the plurality of states include an Unknown state, a Known Confirmed state, and a Known Unconfirmed state, the

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Unknown state including cells in the first system for which timing information and cell identification are not known, the Known Confirmed state including cells in the first system for which timing information is known and cell identification has been confirmed within last T seconds, where T is a predetermined time period, and the Known Unconfirmed state including cells in the first system for which timing information is known and cell identification has not been confirmed within last T seconds.

However, Schwarz et al only disclose that at least one element of said control information is adjusted, before the control information is received, according to a predetermined time pattern, thus forming adjusted control information. Therefore, the cell change procedures are controlled based on said adjusted control information.

Claims 13-20 and 27-28 are allowable because it is dependent upon claim 12.

Consider **claim 33**, the best prior art of record found during the examination of the present application, **Schwarz et al (United States Patent Application Publication #2006/0111110 A1)**, fail to specifically disclose, teach, or suggest wherein the cells in the first system for which timing information and cell identification are not known, cells in the first system for which timing information is known and cell identification has been confirmed within last T seconds, where T is a predetermined time period, and cells in the first system for which timing information is known and cell identification has not been confirmed within last T seconds.

However, Schwarz et al only disclose that at least one element of said control information is adjusted, before the control information is received, according to a predetermined time pattern,

thus forming adjusted control information. Therefore, the cell change procedures are controlled based on said adjusted control information.

Claims **34-36** are allowable because it is dependent upon claim 33.

Consider **claim 37**, the best prior art of record found during the examination of the present application, **Schwarz et al (United States Patent Application Publication #2006/0111110 A1)**, fail to specifically disclose, teach, or suggest wherein the cells in the first system for which timing information and cell identification are not known, cells in the first system for which timing information is known and cell identification has been confirmed within last T seconds, where T is a predetermined time period, and cells in the first system for which timing information is known and cell identification has not been confirmed within last T seconds.

However, Schwarz et al only disclose that at least one element of said control information is adjusted, before the control information is received, according to a predetermined time pattern, thus forming adjusted control information. Therefore, the cell change procedures are controlled based on said adjusted control information.

Claims **38-40** are allowable because it is dependent upon claim 37.

Consider **claim 41**, the best prior art of record found during the examination of the present application, **Schwarz et al (United States Patent Application Publication #2006/0111110 A1)**, fail to specifically disclose, teach, or suggest wherein the cells in the first system for which timing information and cell identification are not known, cells in the first

system for which timing information is known and cell identification has been confirmed within last T seconds, where T is a predetermined time period, and cells in the first system for which timing information is known and cell identification has not been confirmed within last T seconds.

However, Schwarz et al only disclose that at least one element of said control information is adjusted, before the control information is received, according to a predetermined time pattern, thus forming adjusted control information. Therefore, the cell change procedures are controlled based on said adjusted control information.

Claims 42-44 are allowable because it is dependent upon claim 37.

Conclusion


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bobbak Safaipoor whose telephone number is (571) 270-1092. The Examiner can normally be reached on Monday-Friday from 9:00am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lana Le can be reached on (571) 272-7891. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.


Bobbak Safaipoor
B.S./bs

September 14, 2007


9-14-07
LANA LE
PRIMARY EXAMINER